

Board of Sumter County Commissioners

Division of Planning & Development

Code Compliance Department

910 N. Main Street, Suite 301 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274

Website: <http://sumtercountyfl.gov>



SPECIAL MASTER HEARING October 29, 2009 @ 3:00 PM

Present: R. Lee Hawkins, Jr. - Special Master, Matthew Foreman - County Attorney/Hogan Law Firm, Alysia Akins - Code Enforcement/Licensing Coordinator, Dwayne Ausley - Inspector, and Lee Hartman - Chief Inspector.

Special Master Hawkins called the hearing to order at 3:02 PM and followed with the Pledge of Allegiance.

Special Master Hawkins entered the minutes of the Special Master Hearing from 9/24/09 into the record.

Mr. Ausley was sworn in.

OLD BUSINESS:

The following case received an Affidavit of Compliance:
CE2009-0209/Davis

The following cases had been tabled and received Affidavits of Pre-Hearing Compliance:
CE2008-0059/Wade
CE2009-0224/Paisley

1) Case #: CE2009-0222

Name: Candace & Daniel Harbin

Address: 1592 N West Street, Bushnell

Violation: 6-104(2) & 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **TABLED FROM 9/24/09 - COMPLIED**

Inspector Ausley testified this case is in compliance; therefore, no further action required.

2) Case #: CE2009-0319

Name: Nancy Amico

Address: CR 434B, Lake Panasoffkee

Violation: 6-104(5), 13-728, and 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **TABLED FROM 9/24/09 - COMPLIED**

Inspector Ausley testified this case is in compliance; therefore, no further action required.

The following case received an Affidavit of Non-Compliance:
CE2009-0257/Greene

3) Case #: CE2009-0330

Name: Joseph & Kimberly Alonso

Address: 2317 CR 445, Lake Panasoffkee

Violation: 6-104(5)

Inspector: Dwayne Ausley

Recommendation: **TABLED FROM 9/24/09 - HEAR CASE**

The case was removed from the table.

The Respondents were not present. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted, regarding the code case that began on 7/28/09. The property does not have homestead exemption. Mr. Ausley's last visit to the property was on 10/29/09, and the property remains in violation. Mr. Ausley submitted photos of the violations taken on 9/24/09 & 10/29/09. Mr. Ausley testified the overgrowth is between 24" - 48" in height.

Mr. Ausley recommended staff costs in the amount of \$416.38 be paid and the property be brought into compliance by mowing and maintaining the property. Mr. Ausley recommended compliance be met by the date of the Order. If not, a \$20 daily fine be assessed.

Special Master Hawkins found the property in non-compliance due to the overgrowth, in which the Respondents were ordered to comply by mowing and maintaining the property and paying staff costs of \$416.38 by the date of the Order. If compliance is not met as ordered, a \$20 daily fine will be assessed.

NEW BUSINESS:

1) Case #: CE2009-0320

Name: Nancy Amico

Address: vacant lot, Lake Panasoffkee

Violation: 6-104(5), 13-728, & 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **HEAR CASE - COMPLIED**

Inspector Ausley testified this case is in compliance; therefore, no further action required.

2) Case #: CE2009-0321

Name: Nancy Amico

Address: vacant lot, Lake Panasoffkee

Violation: 6-104(5)

Inspector: Dwayne Ausley

Recommendation: **HEAR CASE - COMPLIED**

Inspector Ausley testified this case is in compliance; therefore, no further action required.

3) Case #: CE2009-0317

Name: Nancy Amico & Orin Rogers

Address: 1680 CR 434A, Lake Panasoffkee

Violation: 6-104(5) & 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **HEAR CASE - COMPLIED**

Inspector Ausley testified this case is in compliance; therefore, no further action required.

4) Case #: CE2009-0318

Name: Nancy Amico & Orin Rogers

Address: vacant lot, Lake Panasoffkee

Violation: 6-104(5) & 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **HEAR CASE - COMPLIED**

Inspector Ausley testified this case is in compliance; therefore, no further action required.

5) Case #: CE2009-0349

Name: David & Rosalie Greenwell

Address: 8924 CR 622, Bushnell

Violation: 6-104(5)

Inspector: Edd Kaman

Recommendation: **HEAR CASE - COMPLIED**

Mrs. Akins testified this case is in compliance; therefore, no further action required.

6) Case #: CE2008-0174

Name: John & Tammy Roberts and/or Law Offices of Marshall C Watson, PA

Address: 2672 SE 35th Street, Sumterville

Violation: 6-104(2) & 6-104(5) & 13-E.3.1.2 SHC 304

Inspector: Dwayne Ausley

Recommendation: **HEAR CASE**

Joann Galipault, Law Offices of Marshall C Watson, was present and sworn in. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted, regarding the code case that began on 4/21/09. The property has homestead exemption;

however, is in foreclosure. Mr. Ausley's last visit to the property was on 10/29/09, and the property remains in violation. Mr. Ausley submitted photos of the violations taken on 10/29/09. Mr. Ausley testified the property appears to be an abandoned nursery due to the numerous dead plants and nursery-related debris. Mr. Ausley testified the grass is over 24" in height.

Ms. Galipault testified the property is now owned by the bank due to foreclosure and requested an additional 2 weeks to bring the property into compliance.

Mr. Ausley recommended staff costs in the amount of \$361.06 be paid and the property be brought into compliance by the date of the Order or pay a \$20 daily fine until the property is found in compliance.

Special Master Hawkins found the property in non-compliance of 6-104(2)/Trash & Debris and 13-E.3.1.2 SHC 307.4/Sanitation Required Care of Premises only. The property has agricultural zoning; therefore, 6-104-5/Nuisances: Grass does not apply. Special Master Hawkins ordered the property be brought into compliance by removing all debris, including the dead plants, and paying staff costs of \$361.06 as of the date of the Order. If compliance is not met as ordered, a \$20 daily fine will be assessed for each and every day the property remains in violation.

7) Case #: CE2009-0231
Name: Annie L Hamilton
Address: 4491 CR 504, Wildwood
Violation: 6-104(2)
Inspector: Dwayne Ausley
Recommendation: **HEAR CASE**

The Respondent was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted, regarding the code case that began on 6/8/09. The property has homestead exemption. Mr. Ausley's last visit to the property was on 10/29/09, and the property is not in compliance. Mr. Ausley submitted photos of the violation taken on 10/29/09 into the record. Mr. Ausley testified there are miscellaneous piles of debris, including construction debris.

Ms. Hamilton testified she is tearing down a 12x16 storage room and trying to remove the debris. Ms. Hamilton testified she has 2 nephews that reside with her and are assisting with the clean-up. Ms. Hamilton discussed her required use of oxygen and requested an additional week to bring the property into compliance. Ms. Hamilton also testified she is unable to pay the accrued staff costs.

Mr. Ausley recommended the Respondent bring the property into compliance upon the date of the Order by removing the debris in violation and paying staff costs in the amount of \$411.06. If not, a \$20 daily fine should be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the debris on the property. The Respondent was ordered to bring the property into compliance by removing the debris and paying staff costs in the amount of \$411.06 upon the date of the Order. If not, a \$20 daily fine will be assessed until the property is found in compliance and costs are paid.

8) Case #: CE2009-0353
Name: William Regenhardt
Address: CR 482N, Lake Panasoffkee
Violation: 6-104(5)
Inspector: Dwayne Ausley
Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted, regarding the code case that began on 8/20/09. The property does not have homestead exemption. Mr. Ausley's last visit to the property was on 10/29/09, and the property is not in compliance. Mr. Ausley submitted photos of the violation taken on 10/29/09 into the record. Mr. Ausley testified the overgrowth is over 6' tall in some areas.

Mr. Ausley recommended the Respondent bring the property into compliance by mowing the grass and paying staff costs in the amount of \$311.06 upon the date of the Order. If not, a \$20 daily fine should be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the overgrowth. The Respondent was ordered to bring the property into compliance by mowing the grass and paying staff costs in the amount of \$311.06 upon the date of the Order. If not, a \$20 daily fine will be assessed until the property is found in compliance and costs are paid.

There was no further business to discuss; therefore, Special Master Hawkins adjourned at approximately 3:32 PM.